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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 (SAN FRANCISCO DIVISION)**

IN RE: BEXTRA AND CELEBREX) MDL CASE NO.: 05-CV-1699
 MARKETING SALES PRACTICES AND)
 PRODUCT LIABILITY LITIGATION)

ACQUAROLE, et al.,) CASE NO. CGC-06-449463
) MDL Case No. 06-2392 CRB

Plaintiffs,) STIPULATION AND ORDER OF
) DISMISSAL WITH PREJUDICE
 vs.) AS TO PLAINTIFF NADINE BERGESON

PFIZER, INC., et al.)
)
 Defendants.)

COME NOW, Plaintiff NADINE BERGESON and Defendants PFIZER, INC., et al., by
 and through the undersigned attorneys, pursuant to Federal Rule of Civil Procedure, Rule 41(a),

**STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE
 AS TO PLAINTIFF NADINE BERGESON**

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1 and hereby stipulate to the dismissal of Plaintiff NADINE BERGESON from this action, with
2 prejudice, each side bearing its own attorney's fees and costs.

3
4 Respectfully submitted,

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6 Dated: September 24, 2009

KABATECK BROWN KELLNER LLP

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8 By: 

Brian S. Kabateck, Esq.

Attorneys for Plaintiff NADINE BERGESON

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10
11 Dated: October 27, 2009

DLA PIPER LLP

12
13 /s/

14 By: _____

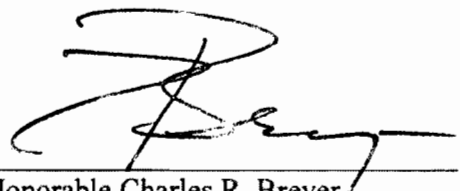
Matthew A. Holian

Attorney for Defendants PFIZER, INC., et al.

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16
17 **ORDER**

18 **PURSUANT TO THE TERMS SET FORTH IN THE PARTIES' STIPULATION, IT IS**
19 **SO ORDERED.**

20
21 Dated: OCT 29 2009


Honorable Charles R. Breyer
United States District Court